IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 91 OF 1992

Vishwanath s/o.Hariba
Navgare & Anr. ..Appellants

versus

1. Smt. Jasir Kaur w/o. Bawa Singh
2. Divisional Manager, The
   United India Assurance Co. Ltd.
   & Ors. ..Respondents

None for the Appellants.
Mr. S. M. Vidyarthi for the Respondents No.2.

CORAM : D. G. DESHPANDE,J.

DATE : 28TH MARCH,2005

ORAL ORDER :

1. None for the appellants. Counsel for respondent no.2 Insurance company is present.

2. The Appeal is filed by the original claimants against the order of the MACT, Pune, dated 8.1.1991. It is true that the appeal was kept for dismissal but considering the fact that it is an appeal filed by the claimants and secondly they have

challenged the order of the Tribunal so far as it relates to grant of interest, I am deciding the appeal on merits.

3. The Tribunal has awarded Rs.50,000/- as compensation and the amount is to be paid by both the respondents. However, so far as interest part is concerned, it was granted conditionally i.e. if the respondents fail to pay the amount within one month then the interest was made payable. That of course is not proper order of the Tribunal. If compensation was awarded, the interest should have been awarded from the date of application and no condition as imposed by the Tribunal should have been there in the order. That is the only grievance and the order of the Tribunal therefore cannot be uphold or supported. In view of this the appeal is required to be partly allowed.The order of the Tribunal is modified and the order will read as under:

ORDER

. Appeal is partly allowed.

. Opponent Nos. 1 and 2 i.e. the present respondents do pay jointly and severally a sum of Rs.,50,000/- to the Applicant Nos. 1 and 2 with interest at the rate of 12% per annum from the date of application till payment. No order as to costs of this appeal.

28.03.2005 (D.G. DESHPANDE, J.)